



REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

Group I: Claims 21-25, drawn to a sole; and

Group II: Claims 26-40, drawn to a method of making a sole.

Applicants are electing Group II, Claims 26-40, drawn to a method of making a shoe and traverse on the ground that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the claims of the two groups.

Moreover, the M.P.E.P. at § 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office.

The amendment to Claim 21 being made by this paper is taken directly from independent method Claim 26 in order to provide unity of invention between product Claims 21-25 and method Claims 26-40. Applicants now believe that the product invention as claimed and the method invention as claimed both include corresponding special technical features that relate to a single general inventive concept as required under PCT Rules 13.1 and 13.2.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

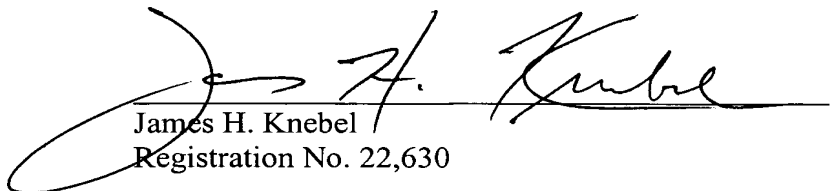
Applicants respectfully submit that the above-identified application is now in  
condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)



James H. Knebel  
Registration No. 22,630